THE BROOKLYN UNPREPARED.

FORWARD ENGINES UNCOUPLED IN SANTIAGO BATTLE,

Jeut. Dyson Says the Machinery Was Not in Readiness for Taking the Ship Inte Action—Hedgson Apologizes to "The Nun"—Lieut. Bristol Says the Plying Squadren Did Not Blockade Clenfuegos—Commander Wainwright Ex-plains Inaccuracies of Navigator's Chart—Ill Feeling Between Counsel.

WASHINGTON, Oct. 8.-Rear Admiral Schley will be 62 years old to-morrow, and, in accordance with a law of Congress, nust retire permanently from active serdee on account of age. To-day, his last as an officer on the active list, was spent partly by the Admiral in listening to the other officers tell about his blockade off Clenfuegos and Santiago and the conduct of his flagship, the armored cruiser Brook-lyn, in the campaign which ended in the destruction of Admiral Cervera's fleet of

Spanish warships.

As he sat or walked around in the court room Admiral Schley seemed a much younger man than he really is. His manner, bearing and general appearance were those of a man of 50. The strain of the past three weeks of searching inquiry, to which his actions in the Spanish war have been subjected, has not told on him to any perceptible extent. He was quite as sunty in carriage and unconcerned in aspect as on the very first day of the in-vestigation. In the recess between the morning and afternoon sessions of the Court of Inquiry, he went among the spectators and shook hands with many of them, and, altogether, appeared unmindful of the serious position in which he has been placed.

This last day of Admiral Schley's active

service was marked by some interesting estimony. The officer under investigation heard Lieutenant-Commander Hodgen, the Brooklyn's navigator, expres regret for his incorperate language about THE SUN in a letter to Admiral Schley and retract the remarks that he had made in that communication. He heard another officer say that the blockade of Clenfuegos was not a blockade at all, and that the Brooklyn, when she made her "loop," was 4,000 yards from the Spanish ships. Another officer, called as an engineering expert, testified that the Brooklyn's machinery was not in readiness for taking the ship into action when the battle began, and that this statement was borne out by the vessel's log. It was this last statement that was perhaps the most important of the day. The officer who made it, Lieut. Charles W. Dyson, had been on the stand twice before and had submitted to the court valuable data obtained from the steam logs of the ships of the Flying Squadron. He seemed to know everything about the machinery of every ship composing that naval division and was fully prepared to answer all questions.

The value of Lieut. Dyson's testimony

about the Brooklyn's machinery on the day of the battle may be appreciated when taken in connection with the intimation Rayner, Admiral Schley's senior counsel, the other day, that Schley suspected, on the afternoon before the battle, that Cervera was coming out and had sent a warning to Sampson. The intimation was first given by Mr. Rayner on Oct. 2, when Lieutenant-Commander Alexander Sharp of the Vixen was on the stand. Mr. Rayner asked him if, on the afternoon of July 1 or 2, he had been called alongside the Brooklyn by Lieut. Sears, Flag Secretary to Commodore Schley, and directed to report to Admiral Sampson that the Commodore thought that the enemy was preparing to come out, that Mr. Sharp did so report, and that Admiral Sampson sent him to call the ships in the fleet to Schley's message, with an addito keep a sharp lookout, and that he had reported the same day that these instructions had been carried out. Mr. Sharp

"I have no remembrance of the occur-

The same question was put to Lieut. James G. Doyle of the Brooklyn, on Oct. 3, and he answered that smoke was seen rising from Santiago harber on the night of July 2, and that his impression was that this information was conveyed to Admiral

If Commodore Schley believed, on July 2, If Commodore Sohley believed, on July 2, that Cervera was getting ready to come out of the harbor, there was a deplorable lack of preparation on the Brooklyn on the following day, according to Lieut. Dyson, to meet the enemy. He said that the Brooklyn's steaming log showed that, on the morning of July 3, at the time the battle began, the two forward engines of Schley's flagship were uncoupled, that the fires were banked on others, and that two furnaces could not even have been "primed," their banked on others, and that two furnaces could not even have been "primed," their fires made ready for lighting, as it took from 9:35, when the Spanish fleet was discovered escaping, to 10 o'clock to get the fires going. Lieut. Dyson has charge of the steam logs and records of all ships in the Navy, and his statements were based on information he found in the Brooklyn's log. The two engines referred to, he testified, were not coupled up during the battle, and in consequence the Brooklyn made less than fifteen knots in the chase after the Colon.

The testimony of Lieut. Bristol of the Texas, a handsome young officer whose mouth and law explained the positive way he had of making statements, was enlivened by some spirited interchanges with Mr. Rayner, who sought to break the effect of his testimony by citing what other witnesses had said. But Lieut. Bristol would have none of it. He said in effect that he knew what he was talking about and did not care how much he differed from other officers who had been on the stand. It was during his testimony that the Judge Advocate interrupted the court to say that statements of Mr. Rayner concerning the part the Texas took in the battle of July 3, and which contradicted Lieut. Bristol, had not been made on the stand, although Mr. Rayner attributed them to witnesses who had appeared before the court. Mr. Rayner was unable to find these statements The testimony of Lieut. Bristol of the had appeared before the court. Mr. Rayner was unable to find these statements in the official records of the proceedings. Lieut. Bristol asserted that the Flying Squadron did not blockade Cienfuegos. "I don't call it a blockade," he said, "we were just lying off the port." he said, "we were just lying off the port." The enemy could have gone in or come out at night without being seen, he asserted. Some times the ships were ten miles off shore, he said, "drifting about." He maintained that Schley's vessels lay six or eight miles off Santiago in the daytime and were farther out at night, and when confronted with Capt. Folger's contrary opinion refused to change his statement that the Flying Squadron went three and a half miles to one side and five miles to the other of Santiago's harbor mouth in patrolling from sunset to dawn.

of Santiago's harbor mouth in patroling from sunset to dawn.

Lieut. Bristol produced a chart, propared by himself just after the July 3 battle, which showed that the Brooklyn was a mile and a third from the Spanish slups when she made the 'loop' and could, therefore not have been within torpedo distance. There were several logal controversies over the accuracy of this chart, which made the proceedings interesting traversies over the accuracy of this chart, which made the proceedings interesting for the spectators. Lieutenant-Commander Hodgson's expression of regret for the use of intemperate language about. This sink in a letter to Admiral Schley was delivered in a straightforward, manly tastion and was entirely voluntary. He said that instead of accusing The Sink of lying in triming the collect, with Schley ise had intended to alsolve it from any such charge in one letter he wrote to the Arimiral and in another letter, which was not written for publication, he had used not written for publication, he had used the capechrims term concerning Int Str., because it had placed the Admiral in the

attitude of running away from the Span-iards and thus detracted from the glory of the officers of the Brooklyn.

"There was no lying about that collequy unless one should stick to its verbal ac-curacy," he said. "So I did not charac-terize THE SUN as lying in printing that colloquy."

terize The Sun as lying in printing that colloquy.

Commander Wainwright, the Gloucester's commander, who came to explain why the Board of Navigators had to compromise on an inaccurate pictuing of the positions of the American ships in the battle of July 3, said also that the Spanish fleet had begun to turn to the westward while inside the harbor and therefore did not steam out toward the American ships. The session of the court ended with a few exchanges between the Judge Advocate and Mr. Rayner which served to emphasize the personal ill-feeling that has been steadily growing among the opposing legal representatives in the case.

CAPT. FOLGER RECALLED.

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Capt. William M. Folger, who commanded the New Orleans during the war and who had testified yesterday, was the first witness to-day. He was asked whether he had any conversation with Commodore Schley with regard to the Santiago blockade prior to the first of June, when Sampson arrived. He replied that he had. One evening, prior to that date, there had been an extended, very severe rainstorm, so severe that he feared that Cervera had gotten out. He had gone on board the flagship the next day, thinking it his duty to tell Commodore Schley what he had seen as to the blockade, as kept by the Japanese off the port of Wei-Hai-Wei, when, similarly, an enemy's fleet was within a fortified harbor. He had said to the Commodore that the adoption of the tactics of the Japanese—forming in a circle directly in front of the harbor—would, in his opinion, be preferable, as then the enemy would be unable to get out.

"What was the Commodore's reply?" asked Judge Advocate Lemly. CAPT. FOLGER RECALLED.

asked Judge Advocate Lemly.

"I cannot testify exactly as to his reply.
I would prefer not to do so.
Q. Give the substance of it? A. He did not agree with me as to the necessity

did not agree with me as to the necessity for it.

Capt. Parker—How many ships did the Japanese have on the occasion you referred to? A. Five.

[Schley had the Brooklyn. Massachusetts. Iowa, Texas and New Orleans, Marblehead and a few smaller vessels.]

Capt. Parker, who had yesterday questioned the witness with reference to his statement that the Spanish ships could have escaped through Schley's blockade at night in bad weather, and had then asked a question which brought from the witness the remark that the weather was 'bad, and generally rainy," undertook this morning to disprove the statement of Capt. Folger by reference to the log of the New Orleans. In some of the records of watches in the log during the period of Schley's blockade there was the symbol 'B,' which meant 'Blue skies." The log showed, also, that there were clouds, heavy rainstorms, overceat skies and misty weather. Capt. Parker asked if these signs did not show that the weather had not been generally rainy and if the witness was not prepared to admit that his memory was at fault.

"I am not prepared to admit that," said Capt. Folger, and he referred to his conversation with Commodore Schley as showing how he had recalled that the weather was bad.

SPEED OF THE DIFFERENT VESSELS.

SPEED OF THE DIFFERENT VESSELS. Lieut. Charles W. Dyson of the Steam Engineering Bureau of the Navy Department, who had previously furnished some interesting and important tables for the court, was again called to the witness chair and asked about the readiness of the Brooklyn for battle, so far as her machinery was concerned, on the morning of July 3. This testimony was interesting in view of the intimation of Mr. Rayner that Commodore Schley thought on the evening of June 25 that the Spanish fleet was preparing to come out and had so informed Admiral Sampson.

Sampson.

Lieut. Dyson said that on the morning of July 3, at the beginning of the battle, the two forward engines of the Brooklyn were uncoupled and the fires banked, and considering the time that it took the Brooklyn to get up steam, he should say that two of the furnaces were not even primed. It took from 9.35 to 10 o'clock to start the fires. These data, said Lieut. Dyson, were taken from the Brooklyn's log. from the Brooklyn's log.

Cross-examined by Mr. Rayner, Lieut.

Dyson said that it would not have been necessary for the Brooklyn to stop to couple

"I have never been shipmates with these flicers who have been have told me that took from fifteen to twenty minutes to

With all her bollers going the Brooklyn. he said, could have made from 17 to 18 knots. On her trial trip she made 21.9 knots. Lieut. Dyson explained that the Oregon, which made 15.7 knots on her trial trip, developed a speed of about 14% knots in the chase after the Colon, and the Brooklyn made about the same avered.

made about the same speed.

The Judge Advocate—Do I understand your answer to be that the Brooklyn developed the best power on that day with the boilers in use and the engines not coupled? That is a pretty hard question to answer A. That is a pretty hard question to answer unless you could work out the power developed. She did not get up the speed she could have got up. She only got up 14½ knots with her five boilers.

Mr. Hayner—How about the other ves-

Mr. Rayner—flow about the other ves-sels? Did they get up all the speed they could get up? A. The New York got up 1634 to 17 knots. She coupled on her last two boilers at 12:50. The Oregon was making 14% knots when the Colon got aground Texas got up about 14 knots. HODGSON APOLOGIZES.

Lieutenant-Commander Hodgson was then alled to the stand for the fourth sime. called to the stand for the fourth sine. His appearance created the stir that had greeted him on three previous occasions. Mr. Hodgson was more at ease than he had been while on the stand before. He was recalled mainly to perform the usually perfunctory task of making verbal corrections in his testimony, and in the course of this routine proceeding he made an interesting statement in regard to his references to The Sun in a letter to Admiral Schley. He said: 'I would like to make a statement in regard to a question [by Mr. Rayner] on page 625. The question was: 'Those words in the colloquy were all right. Then what made the editor of The Sun such a 'liar and blackguard' for patting this colloquy



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in his paper, if Schley did say 'Damn the Texas;' if he did say that, why did you stigmatize the editor of THE SUN as a blackguard and liar' if that was the truth' "I/of course, am very sorry that I so far lost my temper as to write a letter in such intemperate language as that. It was not written for publication, but it was written under very great upoyocation at the

ten under very great provocation at the time. In that letter I did not accuse THE SUN of lying in publishing that celloquy. In fact, it was to absolve THE SUN from the charge of lying that I gave THE SUN authority to use my name. The lying was not in that statement. The lying was in the matter of the auteorists that Committee the control of the cont thority to use my name. The lying was not in that statement. The lying was in the matter of the suggestion that Commodore Schley, in that battle, took the Brooklyn away from the fight. That detracted credit and fame from the Commodore, and it also detracted from the credit of the officers of the Brooklyn; and it was under that provocation that I characterized the colloquy as a lie. There was no lying in the colloquy unless a man stuck to verbal correctness. So I did not characterize The Sun as a liar for printing the colloquy. When Mr. Hedgson had completed correcting his testimony the Judge Advocate said to Mr. Rayner: Do you wish this witness held?"

"No, Captain," said Mr. Rayner.
Capt. Lemly discharged Mr. Hodgson, and he was about to leave the court room when Admiral Dewey called him back and asked him to plot the positions of the Brooklyn in the battle of July 3. It was agreed that he should do this later.

THAT COMPROMISE CHART.

THAT COMPROMISE CHART.

Commander Richard Wainwright, Superintendent of the Naval Academy, who commanded the Gloucester in the Spanish-American War, followed Mr. Hodgson. He was examined with reference to the manner in which the Board of Navigators, of which he was senior member for a while, had picted the positions of the American and the Spanish ships in the battle of July S. Lieutenant-Commander Heilner, the navigator of the Texas, had testified that when the Texas backed her engines to avoid collision with the Brooklyn she was not more than 150 yards from Schley's flagship. The navigator's chart, signed by Commander Wainwright and the navigators, including Mr. Heilner, was produced, and it was shown that this placed the Brooklyn and the Texas half a mile apart at that time. Mr. Heilner insisted that his estimate was correct, despite the chart and he explained that the positions on the chart were indicated as a result of a

apart at that time. Mr. Heilner insisted that his estimate was correct, despite the chart and he explained that the positions on the chart were indicated as a result of a compromise, as the members could not agree. It was then conceded by the Judge Advocate that the chart had never been considered correct and Commander Wainwright was called this morning to tell why a compromise had been necessary.

Capt. Lemly examined him.

"Please tell how the various positions of these various vessels were determined and plotted and how differences were reconciled?" was his first question.

"When I reported as senior member of the Board of Navigators," said Commander Wainwright, "the board had a sketch chart before it with the positions of the ships on it, beginning with the positions when the Spanish ships came out and ending with the positions when the Spanish ships came out and ending with the positions when the Spanish ships came out and ending with the positions when the spanish ships came out and ending with the positions when the spanish ships came out and ending with the positions when the spanish ships came out and ending with the positions when the spanish ships came out and ending with the position as to the relative positions of the ships. Of course, it was impossible to get the position by bearings, and the only thing we could get was the relative positions. We knew that the distances on the chart used at that time were inaccurate and the final decision was to reconcile the differences as nearly as possible. It would have been impossible to have plotted the positions correctly, even if we had had a correct chart, but it gave a general idea of the different positions of each ship during the battle.

By the Judge Advocate—Q. Where there was differences of opinion between the members of the board argreed to the chart as giving the mearest possible. All the members of the board agreed to the chart as giving the stimus, So far as I knew, none of the members of the board was satisfied with all of the positions.

Mr. R

Q. Were any of the other officers of the ships giving testimony before your board except the navigators? A. Capt. Cook (of the Brooklyn) and Capt. Chadwick (of the New York) appeared. I don't recollect any other officer.

Q. You did the best you could with the evidence you had. A. That is correct.

Q. And you made your report, feeling that under the circumstances, this chart is as nearly correct as is possible so long after the engagement? A. That is correct.

Q. The distance of the chart between

Q The distance of the chart between the Brooklyn and the Texas is the conclusion you arrived at from all the da'a you could get and hearing statements? A We did not consider these. We were not satisfied with the positions as they were, but we could not get all the navigators to sign that they were satisfied. We were never satisfied as to the distance between the Brooklyn and the Texas.

Q And you did the best you could do from the evidence before you? A. It was not the best we could do to satisfy any from the evidence before your A. It was not the best we could do to satisfy any one. It was the best we could do to get all the navigators to sign the report. We were none of us satisfied with all of the positions, and I, for one, was not satisfied with the positions of the Brooklyn and the

Q. There were seven members of the Q. There were seven members of the board. State which of these seven were dissatisfied with the positions plotted to the Brooklyn and the Texas. A. I think none of them was satisfied except the navigator of the Brooklyn, and I do not know that he was satisfied.

By the Court—Were the positions of the ships, as shown on the chest class.

By the Court—Were the positions of the ships, as shown on the chart, obtained from testimony taken by the board or from a general discussion by the members of the board? A Almost entirely from general discussion by the members of the board. Capt. Chadwick and Capt. Cook did appear and discuss the matter with the board.

Q. What orders, if any, were signalled by the Brooklyn to the fleet during the engagement of July 3? A I saw none. I did not see the Brooklyn.

Q. Did any one of the Spanish vessels change his course to the southward as if with an intention to ram one of the fleet?

A I saw no signs of it.

This last question was with reference to Mr. Hodgson's testimony that Commodore Schley had said to Capt. Cook of the Brooklyn. Look out, Cook; they're going to ram you.

You say you saw no signals, said Mr.
Rayner. 'Didn't you see the Brooklyn's signal to close up?

I did not, sir, I couldn't see any signals.

"I did not, air, I couldn't see any signals."
In response to another question Commander Wainwright explained that the fact that he did not see any signals did not mean that none had gone up.

Mr. Hanna brought out that the Spanish ships, as the witness saw them, appeared to be turning very much from the start. He thought it not probable that the Spanish ships went 4,000 yards from the mouth of the harbor before turning to the westward. "I believe they commenced to turn when they came out," he added. "I saw no sharp turn."

This testimony was interesting, in view of the statement of Lieutenant-Commander Hodgson that Schley thought he was too near the Spanish years.

SCHLEY'S ELOCKADE OF CIENFUEGOS. More testimony about the blockades of Cienfueges and Santiago by Schley's Sanadron was given by Lieut. Mark L. Bristol, who was a watch and division officer on the Texas in the Spanish war. The witness told of seeing earthwerks at Cienfueges and had no attempt was made by Schley's

told of seeing earthworks at then fuegos and that no attempt was made by Schiey's ships to destroy them, and then the recess hour arrived.

Resuming his testimony after recess.
Lieur Bristol described Schiey's blockade of Cienfuegos During the day he said.

*The ships lay off the port, drifting about, at a distance of five or six to ten miles, at evening they formed column and steamed slowly in toward the harbor entrance to a distance of two or three miles, then out to the southward about ten miles.

Largest in 1

At daylight they rounded slowly in again. He said that the difficulty of coaling the Texas at eas on the retrograde movement was due to the "camel" between that ship and the collier which had been badly placed and not to the condition of the weather. On its arrival off Santiago, on May 2%, the squadron was so far off, he said, that the port could not be seen. It was more than twenty miles, he estimated. In maintaining the blockade off Santiago, the ships passed from three and a half to five miles to each side of the entrance. This he said, was a very accurate statement.

side of the entrance. This he said, was a very accurate statement.

There were times, said the witness, when the column, which was about a nile and a half long, with four ships for the first two nights and about two miles long with five ships afterward, doubled on itself in turning after passing the entrance.

Describing the attack or reconnoissance of May 31, the witness said the shots from the Spanish batteries and ships fell in the water. On the day the squadron reached Santiago he had examined the batteries through a long glass and satisfied himself that they amounted to nothing, and this had been confirmed by engaging them subsequently.

On the day the army landed, the Texas alone had silenced the Socapa battery in forty-two

subsequently.

On the day the army landed, the Texas alone had silenced the Socapa battery in forty-two minutes, although not firing continuously. This statement was! verified by reference to the log of the Texas. The distance maintained by day off Santiago by Schley's squadron was from six to eight miles. He thought the Marblehead and Vixen were in the line of ships during the day, but was not certain. He was certain, however, that they were inside at night. Coming to the day of the hattle, Lieut. Bristol said that five minutes after the alarm was given that the enemy was escaping he saw two of the Spanish ships turn to the westward. This testimony had is bearing on the statement attributed to Admiral Schley by Lieut.-Commander Hodgson that he didn't propose to go in any closer and subject himself to torpedo attack.

The Brooklyn, said the witness, was 500 to 1,000 yards behind the Texas. Twenty minutes after the battle began the Spanish vessels were going to the westward and the Texas turned to run parallel with them. He did not see the Brooklyn execute the loop, as he was in a turret at that time. In telling of the chase after the Colon, Lieut. Bristol said the Brooklyn was as far outside the Oregon. From his position on the

Lieut. Bristol said the Brooklyn was as far outside the Oregon as the Colon was inside of the Oregon. From his position on the Texas, he saw that the Brooklyn was leading the Oregon, but the Oregon was close to the Colon, being nearer in shore.

Under cross-examination by Mr. Rayner, Lieut. Bristol said that a chart which he produced, showing the position of the American and Spanish ships in the battle, principally from his own personal observation, was made by him between the date of the battle and July 25.

The second and third positions were not from his own observation. He had begun to make the chart, he said, the day

from his own observation. He had begun to make the chart, he said, the day after the battle. He had depended on what he remembered of the battle and from what officers on board other ships, including Lieut. Sears, Admiral Schley's flag secretary, had told him.

Lieut Sears had informed him that just before the battle began the Brooklyn was 6.800 yards, or about three and a half miles from the harbor, and that within five minutes after the battle began the Brooklyn had fired her first shot at 1,400 yards.

The tactical diameter given by the witness to the Brooklyn in making the "loop" was 800 yards. Lieutenant-Commander

was 800 yards. Lieutenant-Commander Hodgson's statement that the Brooklyn's tactical diameter was 600 yards was called to the attention of the witness, and he said to a question by Mr. Rayner that Mr. Hodgson knew more about it than him-

"Then your map is wrong?" said Mr Rayner.
"I have stated that it was made from personal observation as regards the initial positions of the ships and the positions after the third, and that the rest was from calculations made after consultation with

officers of other vessels."

Mr. Hanna objected to Mr. Rayner put Mr. Hanna objected to Mr. Rayner put-ting his questions in the form of assertions and Mr. Rayner raised a laugh among the spectators by saying that if the court couldn't have a chart that had been made without any attempt at accuracy, he would like to have one that had been made with such an attempt.

To a further question, Lieut Bristol said that to best he of his knowledge and beltef his chart was right.

said that to best he of his knowledge and bellef his chart was right.

But Mr. Hodgeon save he was right,
said Mr. Rayner.

I can't help that.

"And you say you are right."
"That's right."
"But you can't both be right." Mr. Rayner "That's right, too," said Lieut Bristol "That's right, too," said Lieut Bristol, smiling, and even the members of the court joined in the laughter that followed. In questioning Lieut Bristol, Mr Rayner told him that Commander Harber and Lieutenant-Commander Hetlner (both of whom were on the Texas) had testified that the Texas was not heading as the witness had said at the beginning of the battle. This brought a protest from Capt. tie. This brought a protest from Capt. Lennly, who said that there was nothing of this sort in the testimony of these officers Mr. Rayner looked at the official record and couldn't find the statement he had

MEASURING DISTANCES. Lieut. Bristol, at Mr. Rayner's sugges-tion, measured on his chart to ascertain how far he had placed the Brooklyn from Spanish ships when she began to a "loop" He said that when the Br the "loop" He said that when the Brook lyn headed cast and the Spanish ship headed west, the Brooklyn was 4,500 yard from the Oquendo and from the Colon 4.00

Mr. Rayner called attention to Mr. Hodg. son's statement that at that time the Broc lyn was 1,400 yards from the leading Spanis ships. Lieut, Bristol said his idea was that the stadimeter was not accurate in measur the stadineter was not accuracy in measuring distances of 4 000 yards and over that the smoke of battle interfered with taking distance, that the ranges on the Brooklyn the had heard) had been taken by an enlisted man and while he wouldn't question the enlisted man's accuracy, it was work that an officer was letter able to perform, and the brooklyn that are officer was letter able to perform. distance, that the ranges on the Brooklyn the had heard had been taken by an enlisted man and while he wouldn't question the critisted man's accuracy, it was work that an officer was letter able to perform, and that going at half speed, as the Brooklyn was, in steaming in toward the Spanish ships she could not have arrived at a point that would give her the closer range when it is stated by Judge with Saturday inst to ex-Wardman Adissert, under sentence in the State Go five years and six months import of a disorderly house. Roger in of counsel for Rissert immediately a appeal to the Supreme Court of the distance of the turn began.

distances. This caused laughter. erman holds that it is an established "! didt.'t say that," answered Lieue in the United States Courts that an openal in itself acts as a stay and that any

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> 239 Bergen avenue and half an hour later Bennett was listening to the boy's story Then he kissed the little fellow, took him, by the hand and led him from the station saying ... It's all right, sergeant. I'm glad he's

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Bristol. The Judge Advocate protested against Mr. Rayner's manner of examining the witness and the question was changed to a request for a statement of the experience of the witness in manner of examining the witness and the question was changed to a request for a statement of the experience of the witness in manner of examining the witness and the question was changed to a request for a statement of the experience of the witness in manner of examining the witness and the question was changed to a request for a statement of the experience of the witness and the question was changed to a request for a statement of the experience of the witness and the question was changed to a request for a statement of the experience of the witness and the question was changed to a request for a statement of the experience of the witness and the question was changed to a request for a statement of the experience of the witness and the question was changed to a request for a statement of the experience of the witness and the province of the wi perience of the witness in measuring dis-tances. He said he had as a watch officer four years' experience with the sextant and five years' experience with the stadimeter, and had come to the conclusion that the sextant was more accurate and for that

What do you call it?" Mr. Rayner as

What do you call it? Mr. Rayner a, we were just lying off the port , hing could have come in and gone he hight without our seeing it unless it very close to us " and to S. S. Another jump was made to Stol's Mr. Rayner referred to Lieut ding previous testimony that the bl one vessels went three and a half mimiles side of the harbor entrance and on the other side patrolling at nanas? "Did they go further west thar asked Mr. Rayner. "Yes," said the witness, wit Aguadores?"

"Yes," with greater emph Mr. Hanna objected to witness the Mr. Rayner in reading too show that

statements of other witne Mr. Rayner they disagreed with himo Mr. Hanna responded with a refere friend," and as: "My learned and s; to Capt. Folwithdrew a question reschading ships ger's testimony that he of the harbor did not go as far to emated, as Lieut. Bristol had words followed. A lively interpharacterical accura-

A lively interchangeroused against
Judge Advocate Las" being thrown
"left-handed commuterly unusual in
around. They withey might be comourt-martial, aith non elsewhere, lidraw my question Mr. Rayner | brother [Mr. Hanna]

I do not think th But I do, "Hon the personal or. "But I do," If on the personal pro-with the empfr. Hanna your learned and solemn Y. Mr. Rayner retorted.

"I call you a bit funny," the Judge
"I do notek.
Advocate sey interfered here and Admirabbjected to such exchanges.

I WRIT VACATED. al to the U. S. Supreme Court

But any Removal to Sing Sing Scombe of the United States Juturt dismissed yesterday the Circibeas corpus granted by Judge

the turn began. mbe wrote no opinion and gave Mr. Rayner asked the witness what ex-ms, merely remanding the priso perience he had had that made him merge custody of the warden of the Tombs accurate than the stadimeter in measurin further stay was issued, but Lawyer

Itempt to remove the prisoner to Sing Sing before the decision of the Supreme Court is rendered would be contempt of court. The case will come up for argument at Washington in the term beginning Bissert's appeal to the State courts is

BOY FINDS LONG-LOST FATHER. Plucky Lad Left Farmer Who Whipped Him and Worked His Way.

A small boy walked into the Fifth precinct station house, Jersey City, Monday night and said to Sergt Booth, who was behind the desk. "My name is Ira Bennett. I am it years

"My name is Ira Bennett. I am it years old and came from New Bedford, N. J., to look for my father. I haven't seen him since I was a years old, when he put me to live with a farmer in that town. I had to work on the farm and the farmer used to lick me. I got tired of it and ran away. I went to Asbury Park and while there learned that I had a father somewhere in Jersey tity. I worked two days for a farmer clid carned 75 cents. I bought a half-fare ticket to Jersey City and here I am.

Sergt. Booth found a Caleb Bennett at

Portar Porst, Man , Oct 8 - The Duchess

of Cornwall and York reached here this The four experience of a positive of the posit ROCHELLE, Oct. 8 -An accomm

N. ROCHELLS, Oct. dati New York, New Haven and Hartof New York, New Haven Rochelle, Railroad which left New Rochelle a clock this afternoon for 129th street the sextant was more accurate and for that a present the sextant was more accurate and for that a present the sextant on the morning of the battle.

On Mr. Rayner's request to give the distance between the Brooklyn and the Vizcaya that the turn was completed, shown by the chart, Lieut. Bristol, after Mr. Rayner raed carrying the baggage car and three had pointed out the Brooklyn's positionay coaches with it. The crew and about at that time, answered that the distance wasorty passengers a number of them golf 3,400 yards, or nearly two miles.

Then Mr. Rayner went back to the Cte players, bound for the Pelham and Westchester links, had narrow escapes. York city, was badly wrecked just ch the train crew is unable to explain chester links, had narrow escapes

fuegos blockade.

"I don't call it a blockade," said Lie The accident occurred at a net of switches which connect the main and suburban lines of the road about a half mile out of New Rechelle. The train had just cleared the yards and was going twenty miles an hour when the locomotive jumped the tracks and tore along the embank-

the tracks and tore along the embankment taking the signal wires with it.

Engineer Burkhart and Fireman O'Marley stuck to their posts and by putting on
the air brakes saved the train from rolling
down the embankment. The locomotive
and coaches tore along for a hundred yards
before they could be stopped and in the
meanwhile there was a panic among the
passengers. Some of the women wanted to
raise the windows and leap out when they
felt the cars rocking, and others fainted.
Conductor Hubert Reynolds ran among
them and told them to keep their seats them and told them to keep their seata. The passengers followed his advice and although some of them were badly shaken up and bruised nobody was seriously hurt. When the train was finally brought to a stop the iccomptive was backed up against a big signal board at the side of the tracks and the coaches were scattered in a zigzag line behind it. One was on its side and the others had windows broken and were off

The accident blocked the tracks on the castbound side of the road from Pelham to Port Chester and caused much delay to local and express trains. Freight traffic over the Harlem River division was entirely suspended until late this evening, when a wrecking crew from Harlem cleared the

FITZ IS AN AMERICAN CITIZEN. But He's Disgusted Because He Got in Too Late to Vote This Year.

Robert Fitzsimmons, retired pugilist and sctor, received his citizenship papers in the County Court in Brooklyn on Monday. He walked into the County Court yesterday and asked Clerk Buttling if he might put a few questions to him relative to his rights as a citizen. "As many as you like," replied Mr. Butt-

"Ain't I a full-fledged citizen?" asked

Mr. Fitzsimmons. "Of course you are," replied Mr. Buttling "Don't all citizens have the right to vote

asked the questioner.

"Yes, if they have been citizens long enough," replied the clerk.

"Well, there is a man down at Bath Beach. that I want to vote for, and some of those fellows down there tell me that I can't yote: how about it?" asked Yitzsimmons in a voice that made things tremble.

"You should have been made a citizen before the 8th day of August in order to vote at this election. Mr. Fitzsimmons, replied the cierk, moving around to the of his desk.

Well, if I can't vote for my man I can least get my friends to do so. There 't any law against that, I suppose."

JOTTINGS ABOUT TOWN.

John Wissenbach, the electrician who was burned by a live wire in a conduit at 17thy first street and birosdway, died in Rousevelt Hospital vectorials. Dr. José Hygino Duarte Pereira, brantan delegate to the Pan American conference, and his secretary. In: Luiz Guitataes, were passengers to the Emport & Hott I me steament Coloridge, in rester day from Rice Janesia.

If was said by members of his family yesterday that William Messier of 2 waterine place in The Bronx, did not leave home on account of displeasure at his start was merically. Messier was with an uncle in the country whom he frequently visits and his family were in nowice worked about his absence.

CHAS. JONES,

Housefurnishing. Hardware and Cutlery. China, Crockery and Glass.

Kitchen Furniture and Cooking Utensils. Laundry and Pantry Goods. Brushes, Brooms and Door Mats. Fire Irons, Fenders and Dogs in Brass and Iron. Brass Wood Boxes and Baske's. Refrigerators

Oi the Best Quality Only. 920 BROADWAY, Cor. 21st St. 902 & 904 6th AV., Cor. 51st St. force an ass, burred on the street, but when the street, but when the street is the street of the street of the street of the street is the street of t 920 BROADWAY, Cor. 21st St.

" - Line Alex Martines Sales Selection or war

Mrs. Emma K. Sargeant of 109 West 101st street, dresser for the leading woman of a road company which is playing "The Christian" this week at Worcester, Mass came here on Monday to be tried in Ger eral Sessions for petty larceny and was convicted yesterday and sent to the Tombs

convicted yesterday and sent to the Tomba to await sentence on Friday. She passed many worthless checks on dry goods concerns in this city. She was convicted of passing such a check for \$12 on Dec. 20, 1890, on Stern Brothers.

Cashier Marsh of the People's Bank of East Orange testified that so many of her checks had come to that bank and had been returned marked "N G." that he sent for her on Dec. 19, 1899, and ordered her to close up her account there She drew out \$4.05, her entire halance. The next day she passed the twelve-dollar check on Stern Brothers.

Mrs. Sargeant wept after her conviction. She said that she had worked "at everything to keep her mother and daughters from starving." She is 43 years old, has four daughters and is married to E. K. Sargeant, a dealer in electrical supplies at 108 Greenwich street. Mrs. Sargeant fermerly lived at 56 South Arlington avenue. East Orange, and is of good appearance and address. She was arrested on Aug. 5 at Asbury Park, by Detective Sergeant Carey on two indictments found on the complaint of Best & Co. On Sept. 14 she was balled in \$1,000, by August Grossman of 717 Ninth avenue. Later she was arrested on two new indictments found on the complaint of the complai avenue. Later she was arrested on two ne indictments found on the complaint Stern Brothers, and was bailed in \$1,500 yesterday that Mrs. Sargeant began her operations with worthless checks in December, 1899. Her method, he said, was to become acquainted with members of the financial departments of the big stores, get Assistant District Attorney Trein sa mancial departments of the highestores, get cashed a few small checks drawn in her own name upon the People's Bank, and then get cashed a worthless one on the People's or some other bank, making the amount less than \$25 and so keeping out of the grand larceny class. Mr. Train said that in March last Adams & Co. cashed for her checks for \$16 and \$15, drawn by her to her own order on the Security Savings Bank of Newark where she had no deposit. In the same month, he said, she passed a similar check for \$15 on Abraham & Straus and in May she passed one for \$25 on Macy & Co. two for \$20 and \$30 respectively on James McCreery & Co., and two, for \$12 and \$16 to respectively, on H. C. F. Koch & Co. In June she passed one for \$13.70 and one for \$25.00 on Best & Co., and one for \$17.50 one for \$25.00 and save considerable Bros. cashed a few small checks drawn in

BOY'S MURDER UNSOLVED. All Suspects but One Released, and His

Alibi Stands Strictest Tests. The mystery surrounding the murder five-year-old Albert Robinson, whose ody was found in a sack in the areaway at 361 West Twenty-second street early on Wednesday morning, seems no nearer o being cleared up than it was at the end of the first day's investigations by the po-lice. Five arrests thus far have been made, but of these only one person has been held. This is the negro, Alonzo Watson, who lived with his mother, the janitress at 300 West Twenty-first street, where the murricest how lived.

murdered boy lived As told in THE SUN vesterday, when alson was arrested on Monday afternoon he spoke fully of his movements in the hours following the boy's disappearance, and his story made a complete allbi. On Monday night and yesterday the police went minutely over the ground covered by the statements, with the result that his story was confirmed to the property of the statements. The police believe that the latest reliable report of the boy being seen alive fix-him as running to a fire at Eighteenth street him as running to a fire at Eighteenth street and Ninth avenue at 5:15 in the evening. They would like to suggest that Watson killed him in Watson's room at 300 West Tacnty-first street before 7 o'clock in the evening and then went his regular Sunday evening round to Mount Olivet Church where he sings in the choir and established the allit

Lyons, a negro, both of them living at 826 West Twenty-first street, who were arrested late on Monday night, were released by Magistrate Fool yesterday in Jefferson Market pelice court. There was no evidence against them.

GAVE HIS ALL TO THE POOR The Rev. Dr. Stupson Spent & Fortune

and Died in Poverty. Funeral services for the Rev. Dr. R. Arundell Simpson, who died suddenly a Fulian street, Brooklyn, on Monday, with me held m St. Michael's Church, North Fifth street, to-morrow, The Rev. Dr. E. Herm, rector of St. Michael's, with several other clergymen, will take charge

If the How Dr Simpson, who was a grad-tate of Outcord, came to Breeklyn from Englished about twelve wears ago. He but litted ideas as to belying the poor Word to account be bud a small forture exists be spent to charitable work. He ived as one of the positive, but was always read; to bulk those who meeded it. Le-